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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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SOUTHERN DISTRICT OF CALIFORNIA

KIX

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus LOPEZ-Castanada,

Defendant

The undersigned complainant, being duly sworn, states:

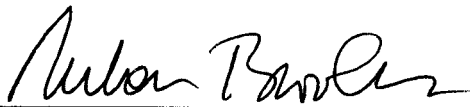
On or about **February 3, 2008**, within the Southern District of California, defendant, **Jesus LOPEZ-Castanada**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF February 2008.


Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jesus LOPEZ-Castanada****PROBABLE CAUSE STATEMENT**

On February 3, 2008, Border Patrol Agent Nguyen, was performing line watch duties in the Imperial Beach area of operations. At approximately 6:00 A.M., a scope operator radioed called him and told him of four individuals walking north in an area known as the "57 Draw". The area is approximately two miles west of the San Ysidro, California, Port of Entry and is approximately one hundred yards north of the United States/Mexico International Boundary Fence.

Agent Nguyen responded to the 57 Draw and encountered four individuals walking northbound. Agent Nguyen approached the individuals and immediately identified himself as a United States Border Patrol Agent. He questioned all individuals, including one later identified as **LOPEZ-Castaneda, Jesus**, as to their citizenship and nationality. All the individuals, including LOPEZ, freely admitted that they were citizens and nationals of Mexico illegally present in the United States. All individuals, including LOPEZ, further admitted they did not possess any immigration documentation permitting them to enter or remain in the United States legally. At approximately 6:20 A.M, Agent Nguyen arrested LOPEZ and the other three individuals and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 21, 2006** through the Port of Entry at **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.